

**REMARKS**

The present application is a divisional application of Application No. 09/971,027 filed on October 5, 2001. The Office Action dated January 7, 2004, acknowledges the Applicants' claim for domestic priority under 35 USC §120 based on Application No. 09/971,027.

This amendment under 35 CFR §1.312 amends the paragraph [0001] of specification merely to include specific reference to earlier filed application No. 09/971,027 filed on October 5, 2001, as well as to Japanese Patent Application No. 2000-308498 filed on October 6, 2000, the entire contents of both application hereby being incorporated by reference.

As set forth in MPEP 201.11, V (Rev. 2, May 2004), the Office not require a petition and the surcharge under 37 §CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office on a filing receipt. In lieu of a filing receipt, the Office issued a non-final Office Action dated January 7, 2004 explicitly acknowledging the Applicants' claim for domestic priority under 35 USC §120 based on Application No. 09/971,027. (See attached)

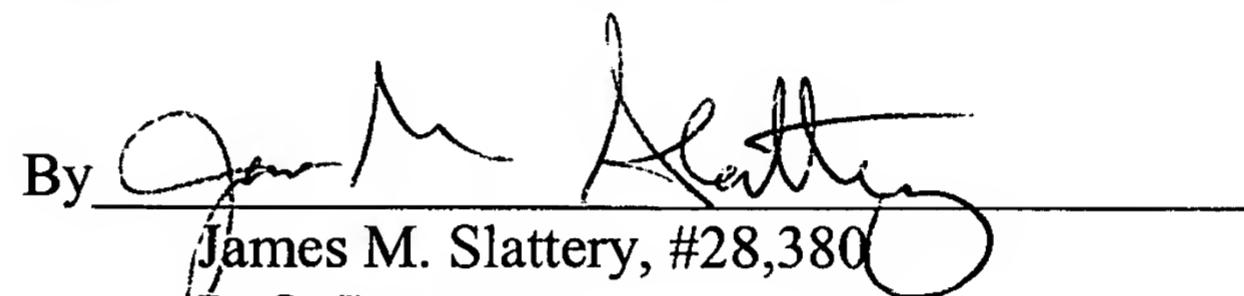
The Applicants respectfully submit that this amendment corrects the benefit claim as required by USPTO rules. Entry of this amendment is earnestly requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery, #28,380  
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Falls Church, VA 22040-0747  
(703) 205-8000

JMS:CTT/ags/te

Attachments: **USPTO File History**  
**Office Action dated January 7, 2004**



6125  
NOV 15 2004  
JC98

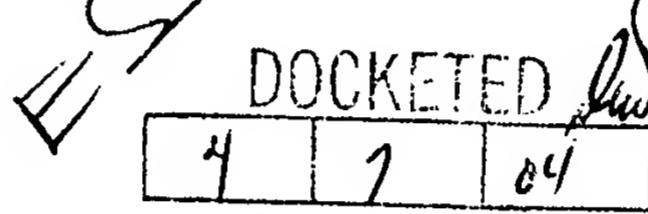
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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------|------------------------|
| 10/649,863   | 08/28/2003  | Takashi Ohzeki       | 0505-1216P          | 6367                   |
| 2292   | 7590        | 01/07/2004           | EXAMINER            |                        |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     | NOVOSAD, CHRISTOPHER J |
| ART UNIT   |             | PAPER NUMBER         |                     |                        |

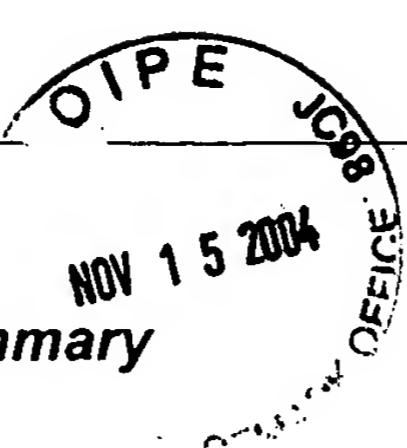
3671

DATE MAILED: 01/07/2004



*Amend*

Please find below and/or attached an Office communication concerning this application or proceeding.



## ***Office Action Summary***

|                        |                     |
|------------------------|---------------------|
| <b>Application No.</b> | <b>Applicant(s)</b> |
| 10/649,863             | OHZEKI ET AL.       |
| <b>Examiner</b>        | <b>Art Unit</b>     |
| Christopher J. Novosad | 3671                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 12-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 12-19 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. 09/971,027.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0. 6)  Other: \_\_\_\_ .



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**PATENT APPLICATION INFORMATION RETRIEVAL****PAIR** [Printer Friendly Version](#)**Search results for application number: 10/649,863**

|                         |                               |                          |  |
|-------------------------|-------------------------------|--------------------------|--|
| Application Number:     | 10/649,863                    | Customer Number:         | 2292   |
| Filing or 371(c) Date:  | 08-28-2003                    | Status:                  | Notice of Allowance Mailed -- Application Received in Office of Publications |
| Application Type:       | Utility                       | Status Date:             | 10-27-2004   |
| Examiner Name:          | NOVOSAD, CHRISTOPHER J        | Location:                | ELECTRONIC   |
| Group Art Unit:         | 3671                          | Location Date:           | -  |
| Confirmation Number:    | 6367                          | Earliest Publication No: | US 2004-0050559 A1   |
| Attorney Docket Number: | 0505-1216P                    | Publication Date:        | 03-18-2004   |
| Class/ Sub-Class:       | 171/015                       | Patent Number:           | -  |
| First Named Inventor:   | Takashi Ohzeki, Saitama, (JP) | Issue Date of Patent:    | -  |
| Title Of Invention:     | BEACH CLEANER                 |                          |  |

Select Search Option

- Continuity Data
- Display References
- Foreign Priority
- Image File Wrapper
- Patent Term Adjustment History
- Publication Review

**Search****File History**

2002 5 1 2004  
OIP

| Date       | Contents Description                            |
|------------|---|
| 10-27-2004 | Receipt into Pubs                               |
| 10-26-2004 | Workflow - File Sent to Contractor              |
| 10-08-2004 | Mail Notice of Allowance                        |
| 10-01-2004 | Notice of Allowance Data Verification Completed |
| 10-01-2004 | Case Docketed to Examiner in GAU                |
| 09-27-2004 | Issue Revision Completed                        |
| 09-23-2004 | Notice of Allowability                          |
| 09-21-2004 | Date Forwarded to Examiner                      |
| 09-13-2004 | Amendment after Final Rejection                 |
| 09-13-2004 | Request for Extension of Time - Granted         |
| 09-13-2004 | Workflow incoming amendment IFW                 |
| 08-19-2004 | Mail Advisory Action (PTOL - 303)               |
| 08-18-2004 | Advisory Action (PTOL-303)                      |
| 08-14-2004 | Date Forwarded to Examiner                      |
| 08-10-2004 | Amendment after Final Rejection                 |
| 08-10-2004 | Workflow incoming amendment IFW                 |
| 05-11-2004 | Mail Final Rejection (PTOL - 326)               |
| 05-10-2004 | Final Rejection                                 |
| 04-13-2004 | IFW TSS Processing by Tech Center Complete      |
| 04-13-2004 | Date Forwarded to Examiner                      |
| 04-07-2004 | Response after Non-Final Action                 |
| 04-07-2004 | Workflow incoming amendment IFW                 |
| 01-07-2004 | Mail Non-Final Rejection                        |
| 01-06-2004 | Non-Final Rejection                             |
| 12-29-2003 | Case Docketed to Examiner in GAU                |
| 08-28-2003 | Information Disclosure Statement (IDS) Filed    |
| 08-28-2003 | Preliminary Amendment                           |
| 11-25-2003 | Application Return from OIPE                    |
| 11-25-2003 | Application Return TO OIPE                      |
| 11-25-2003 | Application Dispatched from OIPE                |
| 11-26-2003 | Application is Now Complete                     |
| 11-12-2003 | Cleared by OIPE CSR                             |
| 09-08-2003 | IFW Scan & PACR Auto Security Review            |
| 08-28-2003 | Initial Exam Team nn                            |

No Official  
Filing  
Receipt